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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,005

10/12/2004

Helmut Korber

WBT-106

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24131 7590 03/28/2008
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EXAMINER

WEIER, ANTHONY J

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

03/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/511,005	Applicant(s) KORBER ET AL.	
	Examiner Anthony Weier	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 24, "the period of contact" lacks antecedent basis. Does this refer to the treatment of drinking water? The chemical modification of the cellulose containing material?

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-22, 25, 26, and 28-35 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/72940 ("WO").

WO discloses a cellulose containing paper filter or paper-type nonwoven material wherein same is modified by phosphorylated with phosphoric acid or ammonium phosphate wherein the phosphorous content of the paper is then 3-8 % by mass and further being carbamided with urea up to a nitrogen content of 1 to 4% by mass and being converted into a sodium form by using a solution of common salt, said

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cellulose containing material having a sorption capacity of 100 mg Cu/g fiber and wherein, for example, 1.5 g of said cellulose containing material may be added per liter of water to be purified, said cellulose containing material being formed into bags (inherently water permeable), a weight per unit area of about 100 g/m² (i.e. 1.5 g/12 cm diameter paper), and a wet strength paper due to the its intended exposure to water or, for example, coffee beverages. WO further discloses the process of adding said cellulose containing material to, for example, drinking water wherein after a certain period of time, said cellulose containing material absorbs various polyvalent cations and other compounds from the water, said cellulose containing material then being removed from said water.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/72940 ("WO").

The claims further call for the phosphorus content to be from 5 to 6.5% by mass and the nitrogen content to be from 2 to 3% by mass. Although, such values are not expressly articulated in WO, WO does provide ranges that encompass these ranges (e.g. 3-8% phosphorous and 1-4% nitrogen). It would have been obvious to one having ordinary skill in the art at the time of the invention to have arrived at such amounts as a

matter of preference within said respective ranges as set forth in WO.

The claims further call for the time required for contact (presuming to be for the drinking water), and although WO is silent regarding same, such determination would have been well within the purview of a skilled artisan, and it would have been further obvious to have arrived at such amount through routine experimentation.

The claims further call for the treatment of the cellulose containing material further includes treatment with a potassium salt solution. Although WO discloses the adding phosphoric acid to the cellulose containing material, alternative salt forms of phosphoric acid are well known, such as, for example, potassium phosphate, magnesium phosphate or magnesium ammonium phosphate, and it is expected that same would impart the same phosphoric acid treatment. It would have been further obvious to have employed same as an alternative depending on the particular source or form of phosphoric acid that is available or depending on choosing the one that is most economical. In addition, it is expected that by adding potassium phosphate, the treatment solution would have an acidic pH which is well within the range called for in, for example, instant claim 27.

Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Weier whose telephone number is 571-272-1409. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Weier
Primary Examiner
Art Unit 1794

/Anthony Weier/
Primary Examiner, Art Unit 1794

Anthony Weier
March 26, 2008

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